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In re Application of
SKRYABIN et al
Application No.: 10/577,971
PCT No.: PCT/AU2004/001513
Int. Filing Date: 03 November 2004
Priority Date: 03 November 2003
Attorney's Docket No.: GRIHAC P47AUSUS
For: MULTILAYERED PHOTOVOLTAIC...
ENVELOPE SURFACE

[illegible]

This is in response to the “RENEWED PETITION UNDER 37 CFR 1.47(a)” filed on 15 January 2009 and the “SUPPLEMENTAL RESPONSE TO RENEWED PETITION UNDER 37 CFR 1.47(a),” filed on 26 January 2009.

BACKGROUND

In a decision from this Office on 20 November 2008, the petition filed under 37 CFR 1.47(a) on 18 August 2008 was dismissed because item (4) was not met. The decision stated that because the altered executed was not initialized and dated at the time of signing this subsequent action to a copy of the original declaration did not remedy the defect.

On 15 January 2009, petitioner filed a renewed petition without the signature of joint inventor Igor Skryabin.

On 26 January 2009, petitioner filed a supplemental response to the renewed petition which included, inter alia, an executed declaration by signed Igor Skryabin.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by the 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

The supplemental response to renewed petition has still not satisfied item (4) under 37 CFR 1.47(a).

The executed declaration filed on 26 January 2009 is defective since it does not comply with 37 CFR 1.497(a)(3). A Declaration, under 37 CFR 1.497(a)(3), must identify each inventor. See MPEP § 602. In this instance, this second set of the executed declaration only identifies Igor SKRYABIN and it is signed by him but this set of the executed declaration does not list the other three joint inventors. Each set must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

Consequently, the petition has not met the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time are available under 37 CFR 1.136(a). Failure to timely file the proper response will result in ABANDONMENT.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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